THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.12968 of 2007

Date: 19-12-2007

Between

V.V.Ramanuja Swamy, S/o.Ranganatha Swamy,
Aged about 55 years, Occ: Sub Post Master,
Purushothapur (Ichapuram) – 532 323,
R/o. Srikakulam District

... Petitioner

and

1. Superintendent of Post Offices,
Srikakulam Division, Srikakulam and three others

... Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C.BHANU

Writ Petition No.12968 of 2007

Oral Order: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard both sides.

2. This writ petition is filed seeking a writ of *Certiorari* challenging the order, dated 03-01-2006, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad dismissing O.A.No.975 of 2005 *in limini* on the ground of laches.

3. It is on record that the impugned order before the Tribunal is dated 30-9-2003. The said order, in fact, was passed in the appeal filed by the applicant before the competent authority. Obviously, the original order passed by the disciplinary authority must be earlier to the impugned order passed by the Tribunal.

4. The impugned orders are to the effect that stoppage of two increments at two stages for certain irregularities committed

by the applicant. It is also not in dispute that a regular departmental enquiry had been conducted and the Enquiry Officer found the petitioner guilty for the charges and the disciplinary authority having agreed with the recommendations and the report of the Enquiry Officer imposed the above said punishment. Challenging the same, after two years, the O.A., had been filed by the petitioner.

The Tribunal having regard to the inordinate delay dismissed the said O.A., *in limini*. We do not find any valid reason to interfere with the said order for the simple reason that as envisaged under Section 21(3) of the Administrative Tribunals Act, 1985, the period of limitation for filing the O.A., is one year. Since obviously the O.A., was filed much after the period of limitation, we do not have any hesitation to say that the O.A., suffers from laches. Accordingly, the Tribunal rightly dismissed the O.A. Agreeing with the said finding, the writ petition is liable to be dismissed

5. In the result, the writ petition is dismissed, at the stage of admission.

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JUSTICE D.S.R.VARMA

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JUSTICE K.C.BHANU

19th December, 2007.

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